

## **Judicial Branch 2012 Requests for Legislation**

### **Courthouse Funding**

(Proposed in prior sessions) The proposal for 331.301(10)(e) would bring the dollar amounts on lease purchase contracts for county general funds in line with the dollar amounts for county general obligation bonds under Iowa Code Section 331.441(2)(b)(5). General obligation bond amounts were previously updated by the legislature. This proposal would then, combined with that below for 331.402(3)(d)(1), complete the legislature's updating process on the dollar amounts as well as carve out one general exception for judicial branch facilities that meet the 50% use qualification, as owned and maintained by the counties. For 331.441(2)(b)(5) specifically, the proposal would update the general obligation bond sections by also including the judicial branch facility carve out. Such county owned facility projects would be subject to the already existing provisions of Iowa Code Section 331.443. Finally, for 331.402(3)(d)(1), the proposal would complete the overall updating project by including the judicial branch facility carve out relating to loan agreements payable from the general fund as well as bringing up to date the dollar amounts for this section.

### **Court Fees & Collections**

(Proposed in prior sessions) This bill includes several proposals related to fees the judicial branch collects. The bill would allow the supreme court to retain fees collected for admission into the practice of law, rather than requiring the court to deposit the money in the general fund. The money would be used to directly offset the cost of administering bar admissions. In addition, the bill shifts the deposit of admission fees paid to the board of shorthand examiners from the general fund to the supreme court to offset the costs of operating this professional licensing function. Also, the bill reinstates a provision that allocates 10% of unpaid fines collected through income tax offset procedures to the judicial branch to help defray the cost of collecting unpaid fines. The bill combines two fees for parking tickets into one fee for filing and docketing parking tickets, and increases the amount charged. Merging the two fees should streamline processing and facilitate collections.

### **Criminal Law**

(Proposed in prior sessions) Among other things, this bill requires a defendant to fully satisfy all fines, court fees and restitution required as part of a deferred judgment before the defendant can obtain a sealed record after discharge from probation. In addition, the bill eliminates statutory provisions that enable a judge to order charitable contributions in lieu of community service.

### **Interpreters**

(Proposed in prior sessions) This bill would ensure that all Limited English Proficient (LEP) participants in court proceedings and court-ordered programs receive competent interpreter services without regard to economic status or type of case or court-ordered program, and without charge to the LEP participant. The United State Department of Justice defines "free of charge" to exclude charging the interpreter fees back to the LEP participant or parties in the case—which is currently done in almost all cases under the Iowa Code (excluding the fees paid to interpreters for the deaf and hard-of-hearing, which are not charged back to the parties). Achieving this goal requires revisions to Chapter 622A (interpreters in legal proceedings), 815.9 (expenses incurred by the State Public Defender), 242.141 (expenses in juvenile proceedings), and 602.1302 (state funding of the jury & witness fund). In addition, this bill would streamline payment of interpreters in legal proceedings. The State Public Defender and the Court Interpreter Policies Advisory Committee

participated in drafting these proposed amendments. Both the SPD and CIPAC support these amendments.

### **Judicial Officers**

(New proposal) This proposal seeks to clarify the question of residency of applicants and nominees for district judge, DAJ, AJJ, and APJ. It require residency prior to the time a person assumes office. This proposal is intended only to eliminate confusion about this issue. The judicial branch is open to other amendments that clarify the process.

### **Juvenile**

(Proposed in prior sessions) This bill allows juvenile court officers to access CINA records. It would permit the district court, in cases of juveniles ages sixteen and seventeen charged with forcible felonies, to consider a third alternative of youthful offender prosecution. Now, the court has two choices: prosecution as an adult with imposition of mandatory minimum sentences upon conviction, or transfer to juvenile court. These amendments would allow prosecution as a youthful offender with continuing jurisdiction after age eighteen pursuant to the youthful offender statute for supervision and/or imprisonment without a mandatory minimum sentence if rehabilitation is not achieved earlier. The chief juvenile court officers recommended this bill.

### **Nominating Commissions**

(New proposal) This code amendment would enable clerks of court to process elections of attorney members of the magistrate appointing commissioners electronically. The state court administrator's office recently implemented an electronic voting system.